

VMC Chapter 17.06
Administration Sections Related to Conditional Uses

17.06.030 Planning and zoning commission—Conditional uses.

- A. Whenever it is stated in this chapter that certain buildings, structures and uses are permitted subject to approval by the planning and zoning commission, applications for such approval shall be made in writing and be accompanied by the required plans or data. These applications shall be submitted to the community development department for transmission to the planning and zoning commission.
- B. The planning and zoning commission shall make its findings and determination within sixty days from the date of filing an application and shall notify the applicant in writing of its decision. If approval is denied, the commission shall state its reason for denial.
- C. Failure of the planning and zoning commission to make a determination within the time specified shall advance the application to the board of adjustment. (Prior code § 30-55)

17.06.040 Conditional uses.

- A. Authority of Planning and Zoning Commission to Grant Commission. The planning and zoning commission shall hear requests or conditional uses in the various districts as specifically provided in this title, shall decide questions involved in determining whether permission for conditional uses should be granted and may grant permission with such conditions and safeguards as are appropriate this title or deny requests for conditional uses when not in harmony with the purpose and intent of this title and/or with the objectives of the comprehensive plan.
- B. Application. A request for conditional use under the regulations of this title may be filed by any property owner or authorized agent. The application must fully state any and all reasons justifying the granting of the request, including the features, details, schedule and timing of the proposed developments.
- C. Investigation. The planning and zoning commission shall cause to be made by its own members, or by its authorized representative, an investigation to determine that such uses will be in accordance with the comprehensive plan and will not be injurious to public health, safety or welfare, or detrimental to other properties or uses in the vicinity.
- D. Public Hearing—Granting or Denial. Within sixty days after the receipt of an application, the planning and zoning commission shall render its decision. If it is the finding of the commission, after consideration of the report of such investigation, that it is empowered under the provisions of this title to grant the request for conditional use and restrictions or conditions will be in accordance with the comprehensive plan and will not endanger the public health, safety or general welfare, or be inconsistent with the specific provisions and the general purpose and intent of this title, the commission may approve the application with or without conditions. (Prior code § 30-56)

17.06.060 Public hearings and notification requirements.

A. **Public Hearings.** The planning and zoning commission shall hold a public hearing upon each properly submitted application for a conditional use, variance or exception. Such hearing shall be held within sixty days following the date of filing of such application and the applicant shall be notified of the date of the hearing.

B. **Notification.** Notices required by this title shall include the date, time and location of the hearing, as well as the description of the action requested and the property for which the action has been requested. The names of the property owners and the parties filing the application shall also be included. The following notices shall be given:

1. A notice shall be posted and published. The notice shall be published at least once a week for the two consecutive weeks prior to the date of the public hearing in a newspaper of general circulation. The last date of publication shall not be less than three days before the date of the public hearing.

2. A notice shall also be sent by mail at least ten days prior to the public hearing to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel of land described in the application for the requested action.

C. **Consideration of Evidence.** The planning and zoning commission shall hear and consider evidence and facts from any person at the public hearing or written communication from any person relative to the matter. The right of any person to present evidence shall not be denied for the reason that any such person was not required to be informed of such public hearing. (Prior code § 30-58)

17.06.070 Effective date; required use of decision.

A. **Effective Date of Decision.** The decision of the planning and zoning commission, either for the granting, with or without conditions or the denial of an application for conditional use, variance or exception shall become effective immediately following the decision.

B. **Use Within Twelve Months Required.** Any conditional use, variance or exception approved by the planning and zoning commission shall be conditional upon the privilege granted being utilized within twelve months after the effective date of the approval. In the event construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion, otherwise the approval is automatically voided. The planning and zoning commission may extend the time the construction is to start if satisfactory evidence of planning progress is presented. Any substantial change to the plans or building proposal shall require resubmission to the planning and zoning commission. (Prior code § 30-59)

17.06.080 Responsibility for processing and costs.

For all applications and appeals, the responsibility is upon the applicant or appellant to insure that all required actions have been taken. The applicant or appellant shall pay all costs and expenses related to the application or appeal. (Prior code § 30-60)

17.06.090 Schedule of fees, charges and expenses.

A. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

B. A fee of fifty dollars shall be paid upon the filing of an application for a zoning variance, zoning change, text amendments, exception or conditional use. **Fees are currently waived.**

C. The city shall be responsible for recording actions by the planning and zoning commission on zoning variances, zoning changes, text amendments, exceptions or conditional uses to the title record of the affected parcel(s). The applicant shall be responsible for payment of recording fees. (Ord. 07-13 § 1: prior code § 30-61)